

2016 Regular Session

SENATE BILL NO. 24

BY SENATOR MARTINY

CRIMINAL PROCEDURE. Provides relative to parole eligibility. (8/1/16)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

AN ACT

To amend and reenact R.S. 15:574.4(B)(1) and to enact R.S. 15:574.4(A)(5), relative to parole; to provide for parole consideration for certain persons; to provide for certain ameliorative penalty provisions; to provide for certain terms and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:574.4(B)(1) is hereby amended and reenacted and R.S. 15:574.4(A)(5) is hereby enacted to read as follows:

§574.4. Parole; eligibility

A. \* \* \*

**(5)(a) Notwithstanding the provisions of Paragraph (A)(1) or Subsection B of this Section or any other provision of law to the contrary, a person committed to the Department of Public Safety and Corrections shall be eligible for parole consideration upon serving fifteen years in actual custody if all of the following conditions are met:**

**(i) The person was not eligible for parole consideration at an earlier date.**

**(ii) The person was sentenced to life imprisonment without parole,**

1 probation, or suspension of sentence for the instant offense and the instant  
2 offense was committed between June 29, 1995, and June 15, 2001.

3 (iii) The person is eligible for relief under R.S. 15:308, including a person  
4 -serving a life sentence with or without additional terms of years.

5 (b) The provisions of Subparagraph (a) of this Paragraph shall not apply  
6 to any person who was sentenced for a third or subsequent felony when the  
7 third or subsequent felony and two of the prior felonies are any of the following:

8 (i) A crime of violence pursuant to R.S. 14:2(B).

9 (ii) A sex offense as defined in R.S. 15:541 when the victim is under the  
10 age of eighteen years at the time of the commission of the offense.

11 (iii) A violation of the Uniform Controlled Dangerous Substances Law  
12 punishable by imprisonment for ten years or more.

13 (iv) Any other offense punishable by imprisonment for twelve years or  
14 more.

15 (v) Any combination of the offenses listed in Items (i) through (iv) of this  
16 Subparagraph.

17 B.(1) No person shall be eligible for parole consideration who has been  
18 convicted of armed robbery and denied parole eligibility under the provisions of R.S.  
19 14:64. Except as provided in Paragraph (2) of this Subsection, and except as  
20 provided in **Paragraph (A)(5) and** Subsections D and E of this Section, no prisoner  
21 serving a life sentence shall be eligible for parole consideration until his life sentence  
22 has been commuted to a fixed term of years. No prisoner sentenced as a serial sexual  
23 offender shall be eligible for parole. No prisoner may be paroled while there is  
24 pending against him any indictment or information for any crime suspected of having  
25 been committed by him while a prisoner. Notwithstanding any other provisions of  
26 law to the contrary, a person convicted of a crime of violence and not otherwise  
27 ineligible for parole shall serve at least eighty-five percent of the sentence imposed,  
28 before being eligible for parole. The victim or victim's family shall be notified  
29 whenever the offender is to be released provided that the victim or victim's family

1 has completed a Louisiana victim notice and registration form as provided in R.S.  
 2 46:1841 et seq., or has otherwise provided contact information and has indicated to  
 3 the Department of Public Safety and Corrections, Crime Victims Services Bureau,  
 4 that they desire such notification.

5 \* \* \*

---

The original instrument was prepared by Michelle D. Ridge. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tammy Crain-Waldrop.

---

DIGEST

SB 24 Reengrossed

2016 Regular Session

Martiny

Present law provides for ameliorative penalty provisions and parole eligibility.

Proposed law retains present law and provides that a person committed to the Dept. of Public Safety and Corrections is eligible for parole consideration upon serving 15 years in actual custody if all of the following conditions are met:

- (1) The person was not eligible for parole consideration at an earlier date.
- (2) The person was sentenced to life imprisonment without parole, probation, or suspension of sentence for the instant offense and the instant offense was committed between June 29, 1995, and June 15, 2001.
- (3) The person is eligible for relief under present law relative to certain ameliorative penalty provisions, involving a person serving a life sentence with or without additional terms of years.
- (4) The provisions of proposed law shall not apply to any person who was sentenced for a third or subsequent felony when the third or subsequent felony and two of the prior felonies are any of the following:
  - (a) A crime of violence pursuant to R.S. 14:2(B).
  - (b) A sex offense as defined in R.S. 15:541 when the victim is under the age of 18 years at the time of the commission of the offense.
  - (c) A violation of the Uniform Controlled Dangerous Substances Law punishable by imprisonment for 10 years or more.
  - (d) Any other offense punishable by imprisonment for 12 years or more.
  - (e) Any combination of the offenses listed above.

Effective August 1, 2016.

(Amends R.S. 15:574.4(B)(1); adds R.S. 15:574.4(A)(5))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Add conditions relative to parole eligibility under proposed law.

Senate Floor Amendments to engrossed bill

1. Changes the criteria for persons eligible for parole consideration.